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I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

PATRICIA A. RUBIO  
Name (Print)

Patricia A. Rubio  
Signature

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Technology Center 2600

**Customer No.: 07278**  
**Patent and Trademark Office**

**Docket No: 1098/0F805**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Victor KOREN

Serial No. 09/460,891

Art Unit: 2644

Confirmation No.: 3082

Filed: December 14, 1999

Examiner: Con P Tran

For: **ADSL MODEM HYBRID DESIGN**

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**DECLARATION UNDER 37 C.F.R. § 1.131**

August 27, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Victor Koren being duly sworn, says:

1. I am the inventor of the subject matter described and claimed in the above-referenced patent application.

## Best Available Copy

2. Prior to August 9, 1999, the effective date of the Grisamore et al. reference (U.S. Patent No. 6,445,791), and on or after January 1, 1996, I had completed the invention as described and claimed in the subject application in Israel, a WTO member nation since April 21, 1995.

3 As evidence that my work antedates Grisamore, I refer to a photocopy of the disclosure document, attached hereto as Exhibit 1 and, further, to photocopies of correspondence between myself and my attorneys, attached hereto as Exhibits 2 through 8. Dates, along with privileged information, appearing in these documents have been redacted. Exhibits 1 through 8 evidence the efforts of my attorneys, and their interaction with the undersigned inventor, from a time prior to the effective date of the Grisamore reference and ending with the constructive date of reduction to practice — i.e., the filing of the present application.

The facts contained within these Exhibits establish my conception of the claimed invention prior to the effective date of the Grisamore reference coupled with due diligence through to the filing of the present application.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Victor Koren

SEP 7 / 23 / 2003  
Dated